SEEK Testimony to Committee on Children
on S.B. 2
March 9, 2021

Chairs Linehan and Anwar, Ranking Members Martin and Dauphinais, Members of the Committee,

Special Education Equity for Kids in Connecticut (SEEK) is a statewide organization of parents, providers, attorneys and advocates working for high quality education and civil rights for students with disabilities. We appreciate the opportunity to appear before you today on S.B. 2. There is a lot in this bill, but much of it is unacceptable to us.

Sections 1 through 9 create a program of training, specifically in suicide prevention and mandate that all manner of providers take such training. Two comments. First, to the extent we continue to have uniformed sworn police officers in schools, they need the same training. Second, the training needs to include the fundamentals of social emotional learning and restorative justice.

Section 10 deals with outpatient mental health providers, including psychologists, social workers and marital and family therapists, and provides certain rights of confidentiality to a minor. Schools also employ these mental health professionals, and they provide counseling and support pursuant to a student's IEP. In that case, however, the professionals are working on specific goals and objectives and the student's progress needs to be shared with the PPT, including the parents. We do not want to delude students to think that their disclosures to school based professionals are confidential.

The training, evaluations and goals in social emotional learning, specified in sections 11 through 13, are covered in legislation in the Education Committee (H.B. 6557) implementing the recommendations of the SEL Collaborative. We support that legislation.

Section 14 offers the option of remote parent-teacher conferences. Such conferences should be permitted at any time. Specifying the number of conferences in any time period appears rather too prescriptive for legislation. The greater concern is the actions of some school districts in sending the police out to locate absent students. While it is important to encourage participation and to ascertain difficulties, it sends the wrong message to have the police go to someone's door. In the legislation, teachers are commanded to "inquire into any hardships the student's family may be experiencing." This general edict is likely to lead to inappropriate and off-putting prying. It is going to serve to frighten and alienate certain families. It needs to be removed. The information mandated in section 15 is, on the other hand, valuable.

Section 16 is concerning. The language is so generally drafted that a district could decide to close its high school. That is simply unacceptable. Further, if it is on a student-by-student basis, the ability to access virtual education should be available on all levels, especially for students with disabilities. We are unaware of the need for or desirability of this provision and ask that it be stricken from the bill.

Section 17 permits days of remote instruction to be counted against the 180 day/900 hour requirement, subject to the Commissioner's permission. While this provision may be appropriate, the standards for remote instruction need to be substantially tighter and far better enforced than they were during this past school year. Section 18 is acceptable to the extent that days of remote instruction should not count as absences. The reference in the last line of section 18 should be to section 19, not section 21.

Section 19 is highly concerning. While the legislation purports to set a ceiling on mental health days, it is sure to result in a floor. This provision will allow school officials to send home misbehaving students and not document it as a suspension. It will encourage the skipping of test

days and other days of stress. We are certain that students choose to absent themselves when they are overwhelmed now. We see no reason to put this into law. We ask that this section be removed.

Sections 20 and 21 define adverse childhood experiences and collect data on it. First, the definition is incomplete. It does not, for example, include a child whose parent died of COVID. It does not include a sibling killed in gang warfare, unless the student witnessed it. Frankly, the definition is nonsensical. It is doubtful that any such data collected under this definition would be reliable in any sense. Worse, however, is that the data serves no useful purpose. There is no indication of what is to be done with the reported data. We know, without collecting this data, that students in urban districts suffer far more trauma than those in suburban districts. Most important is the fact that the IDEA requires individualized assessments and individual educational plans. Aggregating data on trauma is the very opposite of what the special education laws provide. We ask this these sections be removed.

Sections 22 through 24 deal with DCF. SEEK will refrain from comment on these provisions.

Sections 25 through 43 would extend the jurisdiction of the Commissioner of Early Childhood to age five, from age three currently. The proposal to expand the jurisdiction of the Office of Early Childhood from Birth to Three to Birth to Five raises enormous complications with relationship to special education services under the IDEA and, in so doing, appears to substantially curtail the rights of parents. The legislative proposal appears to change the State's Birth to Three program to one covering students from Birth to Five, but only for children aged four and five who do not otherwise qualify for special education. The legislation is unclear whether this creates a choice for parents to make: pick continuation of early intervention services

or jump into the special education system. While we appreciate a new mechanism to provide services for young children with disabilities, we are very concerned about the possible impact on student's eligibility for special education and related services from their local school district.

As practitioners in special education, we are acutely aware of the challenges faced by families with children with disabilities when those children reach age three and must transit from the early childhood program to special education. The family-friendly Individual Family Service Plan process abruptly changes to an often technical and overwhelming school-based special education process, where it is not uncommon for families to encounter resistance to continuing the level of service that has been effective for the child.

Further, we understand addressing the needs of pre-school aged children imposes responsibilities that may not be in the wheelhouse of local school systems. School districts in which universal preschool is not offered have sometimes created self-contained programs that do not provide an education in the Least Restrictive Environment (LRE). We see students being placed in preschool programs entirely populated by students with disabilities, when those students would be better served at home or in a venue with typical peers.

Still, extending the Birth to Three program for two more years raises deep concerns. The first and most obvious concern is that families whose children require special education may be attracted to the IFSP option out of familiarity with the providers or because it offers more hours of related services, when a school-based special education program better addresses the student's long term education needs.

Further, this cut-out for students age four and five who are not eligible for special education will incentivize school districts to deny eligibility, knowing that the student can get services from the early intervention program and thereby reduce costs to the district. Not

enjoying the requirements and protections of special education during the two years may tend to hamper the identification of a student when he or she is ready for kindergarten. Specifically, the student who remained in the early intervention program will not have the educational record necessary to accurately establish present levels of performance to design a program for the kindergarten year. The family would need to go through the eligibility process de novo at age 5.

There is also the matter of cost. As part of special education, the student is entitled to a free appropriate public education. Free means at no cost to the parents. The present Birth to Three program is partly paid for by state and federal dollars. To offset some of the costs, Birth to Three programs bill private insurance and Medicaid, and, families that make $45,000 or more, pay a monthly fee based on a sliding scale. So, services that are free to families under the special education program could cost the family money under an expanded Birth to Five Program.

In brief, SEEK believes that the proposed change from Birth to Three to Birth to Five poses too many unresolved issues as to Connecticut's implementation of Part B and Part C of the IDEA to enact.

Current written policy precludes Birth to Three providers from communicating recommendations to the PPT. It states, "Unless requested by the LEA, it is not the role of the Birth to Three personnel to recommend. . . proposed special education goals, personnel, placement or services, including the location, type, frequency, or intensity of services, or to make other recommendations." This makes no sense, as the Birth to Three providers (along with the parents) are usually the only members of the PPT who have significant knowledge of the child's needs and progress. Birth to Three staff have reported that they could lose their contracts if they share recommendations at a PPT. We recommend a legislative change to ensure that Birth to

Three providers have the same protection against retaliation as was provided to school staff in P.A. 19-184.

Section 44 instructs the Commissioner of Education to create an Internet access grant program. This should not be a matter of grants; it should be a fundamental right of all students. If we are providing remote learning and if we have a constitutional obligation to provide an education to all students, we have a binding obligation to provide digital equipment and internet connectivity to all students. A grant is an abdication of our responsibility. Further, we need to fund this endeavor. There is no reason we should put this obligation on local Board of Education. The state, probably through its Public Utilities Regulatory Commission, should be tasked with ensuring state-wide Internet access. The section as written should be removed.

Section 45 would create another unneeded task force. The charge generally has to do with learning in general, yet the task force is made up overwhelmingly by individuals involved in early childhood development. Before creating another in the endless line of task forces, we ought to be clear as why we are creating the task force. And, if we are looking at education, we need parents, advocates, providers, attorneys, special educators, regular educators, and related service providers on the task force. Our recommendation is that this section should also be removed.

In brief, much of this proposed legislation will make bad law.